

REMARKS/ARGUMENTS

This Amendment replaces the Amendment filed on December 3, 2009, and the Supplemental Amendment filed on July 2, 2009.

Contrary to the indication in the most recent Office Communication, no extension of time is necessary with the present paper as the error being corrected here was **not** noticed to the Applicants in the Official Communication dated June 3, 2009.

The Office, in the Official Communication of October 22, 2009, describes, in part "Applicants **again** failed to respond to the aforementioned rejection [e.g., the anticipation rejection of Claim 20 based on Bajaj]." However, Applicants were **never**, prior to the October 22<sup>nd</sup> Official Communication, informed about any deficiency in their response with regard to Claim 20 or Bajaj.

Accordingly, Applicants submit the Supplemental Amendment filed July 2, 2009, was fully responsive to the Official Communication of June 3, 2009, and that since the Office has issued a new Official Communication, that raises a new issue, no extensions of time are required. Nevertheless, should the Office, after considering the statement, *supra*, and reviewing the June 3<sup>rd</sup> Official Communication, disagree and require additional extension(s) of time, then petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension(s) of time may be charged to Deposit Account No.15-0030.

Applicants have responded to the rejection / issue raised by the Office Communication of October 22, 2009, in this Supplemental Amendment, and have, in this paper and elsewhere, authorized the Office, if the Office deems it necessary, to charge for any necessary extension(s) of time. Accordingly, Applicants submit this paper is fully responsive to the Official Communication of October 22, 2009, and request entry of this paper and examination on the merits.

Claims 18 and 19 are cancelled.

The specification has been amended, where appropriate, to recite “mass per volume” and by submission of a substitute Abstract.

Support for each specification amendment and each amended claim is found at the originally filed claims and throughout the originally filed specification.

No new matter is believed to have been added.

The objection to the specification is believed to be obviated by submission of a substitute Abstract.

The objection to Claim 5 is believed to be obviated by the amendment to Claim 5 specifying that “the at least one linear polymer represents from 3 to 25% mass per volume (m/V) of the composition.”

The objection to Claims 6-19 is believed to be obviated by cancellation of Claims 18 and 19 and the amendment of Claims 6-17 so that these claims are not multiple dependent claims.

The indefiniteness rejection of Claims 1-5 is believed to be obviated by the amendment of these claims. The claims are now drawn to a composition. Withdrawal of the rejection is respectfully requested.

The anticipation rejection of Claims 1-4 and 20 as being unpatentable in view of Nakashio is respectfully traversed because Nakashio does not describe or suggest all of the features of the rejected claims.

Present Claims 1-4 contain the feature “wherein the composition is in the form of a suspension of solid particles of said hydrophilic crosslinked polymer in a solution of said linear polymer and the water-miscible solvent.” Applicants submit Nakashio does not describe or suggest this claim feature, and in fact, Nakashio “teaches away from” this claim feature. Nakashio, at column 2, lines 61-64, describes “an object of the present invention is

to provide a novel homogeneous polymer composition prepared by polymerizing an ethylenic compound in the presence of pullulan.” Because the composition of Nakashio is a homogeneous composition, and the composition of present Claims 1-4 is in the form of a suspension of solid particles, Nakashio cannot anticipate present Claim 1-4 and the claims depending therefrom.

Further, Applicants submit that Nakashio does not describe every feature of present Claim 20 and therefore cannot anticipate present Claim 20.

Withdrawal of the anticipation rejection is respectfully requested.

The anticipation rejection of Claim 20 as being unpatentable in view of Bajaj is traversed. Bajaj does not describe or suggest all of the features of present Claim 20.

Withdrawal of the anticipation rejection is respectfully requested.

The obviousness rejection of Claims 1-5 and 20 as being unpatentable in view of Nakashio is respectfully traversed.

Present Claims 1-5 contain the feature “wherein the composition is in the form of a suspension of solid particles of said hydrophilic crosslinked polymer in a solution of said linear polymer and the water-miscible solvent.” Applicants submit Nakashio does not describe or suggest this claim feature, and in fact, Nakashio “teaches away from” this claim feature. Nakashio, at column 2, lines 61-64, describes “an object of the present invention is to provide a novel homogeneous polymer composition prepared by polymerizing an ethylenic compound in the presence of pullulan.” Because the composition of Nakashio is a homogeneous composition, and the composition of present Claims 1-5 is in the form of a suspension of solid particles, Nakashio does not describe or suggest every feature of present Claims 1-5; and in fact, Nakashio “teaches away from” a feature of these claims. Nakashio cannot therefore render obvious present Claims 1-5.

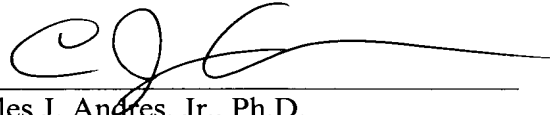
Further, Applicants submit Nakashio does not describe or suggest every feature of present Claim 20.

Withdrawal of the obviousness rejection is respectfully requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon



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Charles J. Andres, Jr., Ph.D.  
Attorney of Record  
Registration No. 57,537

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)